

Zimbra

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Re: 9 and 7 Harvest**From :** Kenneth Pieslak <kpieslak@jacksontwpnj.net>

Tue, Feb 14, 2017 01:36 PM

Subject : Re: 9 and 7 Harvest**To :** chrishope@optonline.net**Cc :** Diane Flynn <difly0901@yahoo.com>, Robert A. Nixon <councilmannixon@jacksontwpnj.net>, Jeff Purpuro <jpurpuro@jacksontwpnj.net>, milkereina@jacksontwpnj.net, Helene Schlegel <hschlegel@jacksontwpnj.net>, Jenn (TBJ) <termite027@aol.com>, bgolejarz@jacksontwpnj.net, Chris Roder Kissberth <ck41272@optonline.net>**Bcc :** Jean L Cipriani <jlc@gm-law.net>

On Friday (2/10/2017) evening there were 10 walkers observed entering 9 Harvest. Additionally a total of 10 vehicles came between both properties. They parked in the driveway of #7 and #9 and then some were parked legally on the street.

There has been no 'change of use' applied for on either property that I know of. These are designated 'single family homes' and owner occupied as such. The 'dual use' is allowed through established Case Law where the Courts have ruled on similar cases. What they are saying is it can not be used solely for prayer service and not lived in as a single family house. It must first be their home and then they can have a prayer service as is their religious right. Additionally the courts have held that the number of people coming over on a 'regular basis' should not exceed 25 people. There is also a consideration for 'quality of life' where excessive noise can be used to establish a violation in this multi-prong test.

What we have found through our monitoring is that the numbers do not exceed these on a regular basis. Additionally no noise has been noted. We have also monitored during the week and found that both these homes are lived in and utilized as a single family owner occupied home. Being they are 'single family homes' I believe the dormitory definition would not apply. I also believe that 'single family owner occupied homes' do not fall into the Code for maximum occupancy. Those restrictions apply to residential rentals and commercial properties.

I am reporting what we are finding with our monitoring and to the best of my understanding of the laws to make a determination of any violation. At this point we have not determined there to be a violation here. If someone should have further information/code/laws that I am not aware of then that would certainly be considered.

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